IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Chamber Summons No. 346 of 2007
in
Summary Suit No. 2845 of 2006

State Bank of India ..Plaintiff

vs.

Dr.Parthasarathi D.Upasani and ors. ..Defendants

Mr.Sachin Masurkar for applicants/defendant nos.1 and 2
Mr.S.A.Bhagwat for defendant no.4.

CORAM: S.C.DHARMADHIKARI J.
20th **July, 2007**

P.C.

1. This is a chamber summons by defendant nos.1 and 2 praying for condonation of delay in filing their vakalatnama in the summary suit. The suit is not decreed as yet. There is a delay of 11 days in filing the vakalatnama. Mr.Masurkar appearing for defendant nos.1 and 2 states that the copy of the chamber summons was attempted to be served on the plaintiffs' advocate but it was informed that he has shifted his office address. Thereafter, the plaintiffs Bank was sought to be served and the packet containing the chamber summons and affidavit in support was duly despatched to the office/branch office of the plaintiffs Bank whereat the plaintiffs' representative refused to acknowledge the service. Affidavit in that behalf is already filed.

Refusal is good service in law.

2. None appears to oppose this chamber summons despite service. The chamber summons is made absolute in terms of prayer clauses (a) and (b) for the reasons set out in affidavit in support. The plaintiffs would now have to take steps in accordance with law.

(S.C.DHARMADHIKARI J.)